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v. *United States*, 157 U. S. 277; *Southern Ry. Co.* v. *Oliver*, 1 Ga. App. 734, 58 S. E. 244. *Cf. Barth* v. *State*, 18 Conn. 432. But in split verdict cases there is sometimes simply a finding of several sums against separate defendants, and it is then felt that the jury have not clearly found the plaintiff's damages to be an amount larger than the largest sum found against any particular defendant. He can therefore have judgment only for that sum, though the judgment is sometimes against all the defendants and sometimes against the particular defendant only. *O'Shea* v. *Kirker*, 8 Abb. Pr. Rep. 69; *Holley* v. *Mix*, 3 Wend. (N. Y.) 350; *Halsey* v. *Woodruff*, 9 Pick. (Mass.) 555. See *Crawford* v. *Morris*, 5 Gratt. (Va.) 90, 103. Even when there is a finding of the total and then a separation, some courts treat the case like those just discussed. *Schultz* v. *Hunter*, 2 Browne (Pa.) 233. If the plaintiff treats it in this way and remits damages accordingly, there can be no objection. *Warren* v. *Westrup*, 44 Minn. 237, 46 N. W. 347; *Nashville Ry. & Light Co.* v. *Trawick*, 118 Tenn. 273, 99 S. W. 695. But if he claims judgment against all the defendants for the total, it is submitted that he ought to have it. His damages clearly have been found equal to the total, the rest of the verdict is an unauthorized addition fairly severable from the prior finding, and ought to be discarded as surplusage. *Currier* v. *Swan*, 63 Me. 323; *Westfield, etc. Co.* v. *Abernathy*, 8 Ind. App. 73, 35 N. E. 399; *San Marcos, etc. Co.* v. *Compton*, 48 Tex. Civ. App. 586, 107 S. W. 1151. See *Post* v. *Stockwell*, 34 Hun (N. Y.) 373, 374. *Contra*, *Whitaker* v. *Tatem*, 48 Conn. 520. Since the damages are measured solely by the extent of the plaintiff's injury, to argue, as the court here does, that the amount found would have been different had the jury realized that the defendants must be jointly liable, is to assume that understanding of the law would make the jury change its conclusions as to fact, an assumption not to be indulged. See *Raphael* v. *Bank of England*, 17 C. B. 161.

TRUSTS — RESTRAINTS ON ALIENATION OF *CESTUI'S* EQUITABLE LIFE ESTATE — EFFECT OF ACQUISITION OF REMAINDER BY *CESTUI*. — A fund was left to trustees to hold for the plaintiff's life and apply the income to his use, the principal after his death to revert to the testator's estate. The residuary legatees who inherited this reversionary interest sold it to the plaintiff who now prays for a decree dissolving the trust. The decree was refused. *Dale* v. *Guaranty Trust Co.*, 773 N. Y. Comb. 601 (App. Div., 1st Dept.).

The trust described fell within the New York statute declaring the *cestui's* interest in an income to be applied to his use for life to be inalienable. NEW YORK PERSONAL PROPERTY LAW (CONSOL. LAWS, ch. 41 [LAWS OF 1909, ch. 45], § 15). Authorities differ as to the nature of the reversionary interest. The trustees may be regarded as possessing the absolute legal title, the plaintiff having an equitable life estate and the acquired equitable reversion in fee. See 1 PERRY, TRUSTS, 5 ed., § 318. Secondly, it is suggested that the trustees have an estate for the plaintiff's life, followed by a legal reversion in fee held by the plaintiff. See *Stevenson* v. *Mayor of Liverpool*, L. R. 10 Q. B. 81, 85; *Nicoll* v. *Walworth*, 4 Denio (N. Y.) 385, 390; *Moore's Estate*, 198 Pa. St. 611, 612. If the *cestui* here acquired an equitable reversion, his life estate could not merge therein in violation of the statute, so far as to give him an alienable equitable fee. See *Moore's Estate, supra*. But if such a merger were possible and the life estate extinguished, then by the rule of common law the *cestui* could force the trustee to transfer to him the legal life estate. *Inches* v. *Hill*, 106 Mass. 575. See 2 PERRY, TRUSTS, 5 ed., § 816 *a*. On the other hand, if the *cestui* acquired a legal reversion, no question of merger could ever arise, for there can be no fusion of estates of dissimilar nature. *Moore's Estate, supra*. In such case the plaintiff prays the dissolution of an active trust without any justification. By a former New York statute, when a *cestui* acquired the remainder or a part thereof, he could release his life interest to himself, where-

upon the trustee's legal estate would cease. NEW YORK PERSONAL PROPERTY LAW (GEN. LAWS, ch. 47; LAWS OF 1897, ch. 417). This provision, however, was omitted from subsequent legislation, as was logically necessary, for if New York is to support its spendthrift trust doctrine, it should not maintain a legislative loophole, especially since such a policy might give remainders an inflated value.

BOOK REVIEWS

PATHOLOGICAL LYING, ACCUSATION, AND SWINDLING. By William Healy and Mary Tenney Healy. Boston: Little, Brown, and Company. 1915. Criminal Science Monograph No. 1, Supplement to the Journal of Criminal Law and Criminology. pp. ix, 286.

At the present time there is a healthful tendency in the community to try to understand some of the phenomena which heretofore have been considered only by the penologists. It is high time that a scientific attempt be made to explain delinquencies. Criminology, after all, is not an exclusively "legal" subject. In many of its aspects it is a borderland, or rather a land of concurrent sovereignty, which concerns the judges, lawyers, social workers, administrators, as well as physicians, psychiatrists, and criminal anthropologists.

This volume is the first of a series of monographs authorized by the American Institute of Criminal Law and Criminology and published as supplements to the Journal of Criminal Law and Criminology. As stated in the editorial announcement, this series is to include researches in various departments of knowledge upon which criminology draws, such as psychology, anthropology, neurology, education, sociology, and law, and it is anticipated that the series will stimulate the study of problems of delinquency.

The object of the authors appears, from the Preface as well as from the contents of the book, to be to classify the offenders according to typical characteristics. The material presented consists of case studies made by the Juvenile Psychopathic Institute of Chicago, of which Dr. William Healy is the Director. The book is divided into six chapters. The first is an introductory one, giving definitions and delimiting the problem; the second considers the literature on the subject, which is scanty; the third discusses twelve case studies of pathological lying and swindling; the fourth contains nine case studies of pathological accusation; in the fifth, six case studies are detailed as borderline mental types. The final chapter sums up the study.

The subject of pathological lying and swindling has only recently been considered as a psychiatric problem. The contribution to the subject, in this volume, consists largely in adding to the casuistic literature on the special topic without offering much in the way of explanation of the etiology or the pathology of this condition, or, in consequence, any very definite points for guidance in treatment. Dr. Healy is well known as a believer in intensive case study, paying great attention to all externals of personality.

The definition of pathological lying given in the introductory chapter is as follows: "Pathological lying is falsification entirely disproportionate to any discernible end in view, engaged in by a person who, at the time of observation, cannot definitely be declared insane, feeble-minded, or epileptic." This is, in a few words, the underlying idea of the entire volume. According to this, "the pathological liar forms a species by himself, and as such does not necessarily belong to any of the larger classes of epilepsy, insanity, or mental defect." Pathological accusation is similarly defined as a false accusation indulged in apart from any obvious purpose.